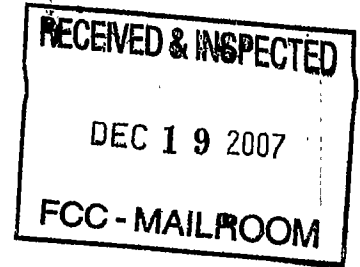


CGB-CC-0091

John D. McElvoy
2221 Lytle St.
Huntsville, AL. 35801



December 12, 2007

Commission's Secretary
Office of the Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

ATTN: CGB Room 3-B431

To Whom It May Concern:

DOCKET FILE COPY ORIGINAL

As there is no form to submit, I will do my best to address the 6 factors laid out by the FCC in determining undue burden on the petitioner to provide Closed Captioning, in this case myself and my television show called HuntFishCook, hereinafter referred to as HFC.

HuntFishCook airs weekly on The Comcast Sports Southeast network (CSS) and The Sportsman Channel Network (TSC)

I was made aware of the FCC regulation concerning closed captioning by the management of both CSS and TSC and since that date, I have investigated media services that are available to supply closed captioning for the show and I have found that the resulting production costs and additional time involved will make continuing production of my show a losing proposition. In essence, these additional expenses will result in closing down my business and my only source of income.

The Nature and Cost of the closed captioning for the program:

1. The owner of HuntFishCook (myself) does not obtain the in house technical capabilities to provide closed captioning.
2. Comcast Sports South Network and The Sportsman Channel do not offer in-house closed captioning capabilities for my show, HuntFishCook.
3. Closed captioning services are available at a cost of \$250.00 to \$450.00 per airing. HuntFishCook airs twice weekly on CSS and three times weekly on TSC. This weekly additional expense would be \$1,250.00 weekly or \$65,000.00 per year will make production costs prohibitive for me to continue production and airing of HuntFishCook due to the fact that I do not possess the financial means to absorb the costs that will be incurred in closed captioning. Financial information is available to prove that the show made revenues less than \$25,000.00 in 2006
4. The extra expense for weekly closed captioning episodes would more than triple the weekly costs for producing The HuntFishCook show, and would make production of HuntFishCook show prohibitive.

The impact on the operation of the provider or program owner:

The HuntFishCook show is completely produced by the program owner (John D. McElvoy) This includes taping of all footage for the show. Included in this time frame is extended time away from the physical office spent on the road, time in the field, and time returning from locations. Post production of the video, all editing of on-air videos, producing weekly dubs of episodes, contacting prospective advertisers, addressing present advertisers, all sales duties correspondence, and general business duties concerning the HuntFishCook show.

As far as my options concerning transcribing each 30-minute episode; transcribing each episode personally will take 4 to 6 hours. of which I can not afford to dedicate the time, which would be demanded.

The second option of allowing a transcribing service to transcribe each episode at an average of \$125.00 per episode. After retaining the transcripts, I would still be required to retain a service to encode each tape at an average cost \$250.00 per tape, which is again completely prohibitive to my operational budget.

Many of our shows are date and time oriented, such as information about an opening day of a certain season, promoting a upcoming dated event, etc. These shows are often taped the week before they air. These shows are then edited by Wednesday and shipped out (overnight) to the networks in order to meet their delivery deadlines for making it in to their program scheduling for that week. The time delay of shipping a show tape to a service to have closed captioning encoded and then return the tape back to me for shipping to the networks will make meeting these time constraints impossible.

The financial resources of the provider or program owner (John D McElvoy, we have no distributors) We solely distribute the HuntFishCook show and are responsible for all expenses and costs incurred in the distribution all of the HuntFishCook show episodes

The type of operations of the provider or program owner.

(John D McElvoy) All revenues generated from the HuntFishCook show comes solely from advertisers on the show. We pay each network a weekly charge to air the HuntFishCook show. We are not subsidized by any investors, businesses, or manufacturers. We are not hired or paid by any television networks to produce or air the HuntFishCook show.

Any available alternatives that might constitute a reasonable substitute

I have found no suitable or reasonable substitute or alternative sources or services in the market place that offer a feasible alternative which will allow me to absorb the costs in production of closed captioning the HuntFishCook show

Other factors;

The character of producing a limited audience program such as HuntFishCook show, (hunting and fishing show) offers an extremely small advertising base. The show's income is very seasonal, fishing season, hunting season, etc. Advertisers wish to promote their products accordingly, Certain products may be advertised no more than six weeks a year. Other advertisers will advertise their products 13 to 26 weeks a year.

December 14, 2007

The show's income fluctuates throughout the year according to our client base and their advertising schedule and the terms of their contract payments. These peaks and valley's in revenue to the show creates an uneven income flow throughout the year. At certain periods throughout the year, our client base is at a 30% capacity.

At best case scenario, our business struggles to recover from these seasonal low cash flow periods. Regardless, the expenses that will be incurred from the weekly costs of closed captioning would remain constant and overwhelming to our budget and insurmountable for the revenues that are generated through the HuntFishCook show to overcome.

With the above prohibitive conditions concerning closed captioning of the HuntFishCook show stated, The petitioner, John D, McElvoy respectfully requests an exemption from closed captioning.

Financial information concerning my show HuntFishCook will be made available upon your request.

Respectfully,

A handwritten signature in black ink, appearing to read "John D McElvoy". The signature is stylized with a large, looping "J" and a cursive "McElvoy".

John D McElvoy
Host/Producer